United Nations CCPR/C/MNE/Q/1

International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues in relation to the initial report of Montenegro*

Constitutional and legal framework within which the Covenant is implemented, right to an effective remedy (art. 2)

1. Please provide information on cases in which the provisions of the Covenant have been invoked directly before the courts, including the Constitutional Court and administrative courts (CCPR/C/MNE/1, para. 47), and the availability of remedies and their effectiveness for individuals alleging a violation of their rights under the Covenant. Please provide further information on the human rights training given to judges and law enforcement officials, in particular with respect to the provisions of the Covenant.

2. Please indicate what procedures are in place for the implementation of the Committee's Views under the Optional Protocol.

3. Please indicate whether the State party will strengthen the Office of the Protector of Human Rights and Freedoms with the aim of bringing it in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

Non-discrimination and equal rights of men and women (arts. 2, para. 1; 3; and 26)

4. Please provide information on steps taken to increase the representation of women in senior and decision-making positions in the public sphere, the judiciary and educational institutions.

Violence against women (arts. 3 and 7)

5. Please provide information on steps taken to address the high prevalence of domestic violence. Please also provide information on steps taken to ensure that all acts of domestic violence are effectively investigated and that perpetrators are prosecuted and sanctioned. Please indicate how many State-run shelters are available to victims of domestic violence, and what steps have been taken to provide rehabilitative services to such victims.

* Adopted by the Committee at its 110th session (10–28 March 2014).

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Violence against children (arts. 7, 9 and 24)

6. Please provide information on measures taken to combat and prevent ill-treatment of children in residential care institutions, in particular of children with disabilities. Please indicate whether a system is in place for periodic review and monitoring of such institutions and placements of children. Please also indicate whether children deprived of their liberty and children placed in institutions have access to a complaints mechanism.

7. Please indicate whether corporal punishment of children is explicitly prohibited in all settings, and provide information on measures taken to combat and prevent the practice, in particular in the home and alternative care settings.

Right to life, prohibition of torture and cruel, inhuman or degrading treatment or punishment (arts. 6 and 7)

8. Please provide information on measures taken to prosecute and sanction all perpetrators of documented war crimes and indicate whether the State party has prosecuted (former) senior government and military officials who have authorized such crimes. Please also indicate whether victims of war crimes, or their families, are guaranteed access to justice, compensation and reparation.

9. Please provide information on steps taken to address cases of torture and ill-treatment by law enforcement personnel, in particular with regard to Roma. Please also indicate what procedures are in place to ensure that all allegations of torture and ill-treatment are promptly and independently investigated, that perpetrators are prosecuted and held accountable, and that victims have an enforceable right to claim fair and adequate compensation. In addition, please indicate whether individuals who allege that they are victims of torture and ill-treatment by law enforcement officials have access to an effective complaint procedure.

Right to liberty and security of person, treatment of persons deprived of their liberty and access to justice (arts. 9, 10, 12 and 14)

10. Please provide information on:

(a) Steps taken to address overcrowding and poor material conditions in prisons, in particular Podgorica Prison;

(b) Measures taken to prevent excessive use of force and abuse by prison staff;

(c) The establishment of an independent system for supervising penitentiary establishments;

(d) The number of persons in pretrial detention;

(e) Measures taken to encourage the implementation of alternatives to detention;

(f) The right to legal assistance;

(g) Access to a doctor, including full access for detainees to their own medical files; and

(h) The possibility of informing a family member of the detention.

11. Please provide information on detention in psychiatric hospitals, on measures taken to prevent abuse, including those related to restraint, on appeals available to persons interned in such institutions, on the number of complaints registered and on the outcome of those complaints.

12. Please provide information on the implementation of the Strategy for the Reform of the Judiciary (2007–2012) and the results achieved, including with regard to the reduction

of the backlog in cases before courts. Please indicate whether the Strategy has been adopted yet, and, if so, provide information on measures taken for its implementation. Please provide information on steps taken to guarantee full independence of the judiciary, including through the procedure for the appointment and dismissal of judges.

13. Please also provide information on steps taken to implement the Law on Free Legal Aid as well as on the resources allocated to the free legal aid offices. Please provide information on steps taken to facilitate access to justice by ethnic minority groups, in particular Roma, including through access to court interpreters.

14. Please provide information on the legislation adopted in 2011 dealing with juvenile justice, as well as on its implementation, in particular regarding court organization and capacity-building for judges. Please provide information on measures taken to ensure that all juveniles are separated from adults during pretrial detention and after sentencing. Please also clarify whether juveniles are tried in juvenile courts with specific juvenile protections.

Elimination of slavery and servitude (arts. 8 and 24)

15. Please provide information on measures taken to combat trafficking in persons, especially of women and girls who are particularly vulnerable, such as Roma, Ashkali and Egyptian women. Please indicate how many prosecutions have been made for the crime of trafficking since the 2010 amendment to article 444 of the Criminal Code, and provide information on the sentences imposed. Please indicate what steps the State party has taken to ensure the protection and rehabilitation of victims of trafficking. Please also provide information on measures taken to extend protection from sexual exploitation and trafficking to all children below the age of 18 years.

Refugees and internally displaced persons (arts. 2, 7 and 16)

16. Please provide information on steps taken to facilitate access by displaced persons and refugees to the procedure for obtaining permanent residence status under the amended Law on Foreigners, in particular in the absence of certain required official documents, such as passports. Please also indicate what steps the State party has taken to ensure that persons are not excluded from applying for permanent residence status for reasons beyond their control.

Right to privacy (art. 17)

17. Please provide information on steps taken to ensure judicial approval of, and oversight over, surveillance of telephone, e-mail and fax communications by the National Security Agency, the police and the Prosecutor's Office.

Freedom of thought, conscience and religion (art. 18)

18. Please provide information on status difference, if any, between the Serbian Orthodox Church and the Montenegrin Orthodox Church, in particular with regard to the protection of, and access to, places of worship.

Non-discrimination and freedom of opinion and expression (arts. 19 and 26)

19. Please provide information on measures taken to combat hate speech, including by Church officials, against lesbian, gay, bisexual and transgender persons.

20. Please indicate the grounds for defamation suits brought against journalists, in many instances by public officials, despite the decriminalization of defamation in June 2011. Please also provide information on steps taken to protect journalists, in particular those who investigate organized crime or alleged links between organized crime and Government

officials, and ensure that cases of violence and intimidation against journalists are promptly investigated and that those responsible are held accountable.

Freedom of assembly and association (arts. 21 and 22)

21. Please provide information on how the State party ensures that trade unions can operate freely. Please also clarify the restrictions imposed on the right to strike, in particular in light of section 228 of the Criminal Code.

Marriage, family and measures for the protection of minors (arts. 23 and 24)

22. Please provide information on measures taken to ensure that all children, including those of Roma, Ashkali and Egyptian women, are registered immediately after birth. Please also provide information on steps taken to identify children lacking birth registration and/or identity documentation, and to issue those documents retroactively, including for refugee children.

23. Please provide information on measures taken to prevent forced and early marriages occurring in Roma, Ashkali and Egyptian communities.

24. Please provide information on steps taken to protect unaccompanied child victims of trafficking. Please also provide information on measures taken to prevent child victims of trafficking from being placed in shelters for adult victims of human trafficking.

25. Please indicate whether the minimum age for employment has been set at a level in line with existing international standards. Please also indicate whether the State party will amend section 142 of the Criminal Code to reflect that level. Please provide information on steps taken to protect children, in particular Roma children, from the worst forms of child labour.

Rights of persons belonging to minorities (arts. 26 and 27)

26. Please provide information on steps taken, and their measured impact, to combat and prevent discriminatory treatment suffered by Roma, Ashkali and Egyptians, in particular in accessing education, employment, social security and health care, as well as to improve their living conditions and increase participation in political life.